



Attorney Docket No.: 42390P102386

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

LUKE E. GIRARD

Application No.: 09/752,882

Filed: December 28, 2000

For: **SYSTEM AND METHOD FOR PROTECTED
MESSAGING**

Assistant Commissioner for Patents
Attention: **Box Missing Parts**
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts of Application mailed February 9, 2001, please find enclosed:

- (1) a duly executed Declaration and Power of Attorney with respect to the above-referenced patent application;
- (2) a check in the amount of \$130.00 in payment of the surcharge of 37 CFR § 1.16(e); and
- (3) a copy of the Notice to File Missing Parts of Application.

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Thomas Coester

Thomas M. Coester, Reg. No. 39,637

Dated: March 19, 2001

12400 Wilshire Blvd., 7th Floor
Los Angeles, California 90025
Telephone: (310) 207-3800

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Attention: Box Missing Parts, Washington, D.C. 20231
on: March 19, 2001

03/19/01

Lillian E. Rodriguez
Lillian E. Rodriguez

Date



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/752,882	12/28/2000	Luke E. Girard	42390P10236

CONFIRMATION NO. 9419

08791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025

FORMALITIES LETTER



OC000000005751312

Date Mailed: 02/09/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Melissa-Taylor Byers
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/27/2001 EABUBAK1 00000051 09752882

01 FC:105

130.00 DP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL FORM**

to be used for all correspondence after initial filing)

Applicati n Numb r	09/752,882
Filing Date	December 28, 2000
First Named Invent r	Luke E. Girard
Group Art Unit	2181
Examiner Name	
Attorney Docket Number	42390P10236

Total Number of Pages in This Submission

11

ENCLOSURES (check all that apply)☒ Fee Transmittal Form☒ Fee Attached☐ Amendment / Response☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☒ Response to Missing Parts/ Incomplete Application☒ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Assignment Papers (for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):

-Copy of Notice with check in the amount of \$130.00
 -Executed Declaration & POA
 -Return Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Thomas M. Coester, Reg. No. 39,637

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Signature

Thomas Coester

Date

March 19, 2001

CERTIFICATE OF MAILINGI hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: **March 19, 2001**

Typed or printed name

Lillian E. Rodriguez

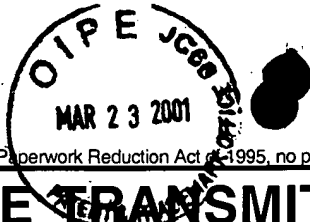
Signature

Lillian E. Rodriguez

Date

03/19/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (09-00)
Approved for use through 10/31/2002. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2001 <i>Patent fees are subject to annual revision.</i>		Complete if Known	
TOTAL AMOUNT OF PAYMENT (\$) 130.00		Application Number	09/752,882
		Filing Date	12/28/00
		First Named Inventor	Luke E. Girard
		Examiner Name	
		Group Art Unit	2181
		Attorney Docket Number	42390P10236

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																																																								
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: 02-2666</p> <p>Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>		<p>3. ADDITIONAL FEE</p> <table border="1"><thead><tr><th>Large Fee Code</th><th>Entity Fee (\$)</th><th>Small Fee Code</th><th>Entity Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>130</td></tr><tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr><tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr><tr><td>112</td><td>920</td><td>112</td><td>920</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>113</td><td>1,840</td><td>113</td><td>1,840</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for response within first month</td><td></td></tr><tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for response within second month</td><td></td></tr><tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for response within third month</td><td></td></tr><tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for response within fourth month</td><td></td></tr><tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for response within fifth month</td><td></td></tr><tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr><tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr><tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidably</td><td></td></tr><tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentionally</td><td></td></tr><tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr><tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr><tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr><tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr><tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr><tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr><tr><td colspan="4">Other fee (specify) _____</td><td></td></tr><tr><td colspan="2">SUBTOTAL (1) (\$) _____</td><td colspan="2">SUBTOTAL (3) (\$) 130.00</td></tr></tbody></table>		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath	130	127	50	227	25	Surcharge - late provisional filing fee or cover sheet.		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		112	920	112	920	Requesting publication of SIR prior to Examiner action		113	1,840	113	1,840	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for response within first month		116	390	216	195	Extension for response within second month		117	890	217	445	Extension for response within third month		118	1,390	218	695	Extension for response within fourth month		128	1,890	228	945	Extension for response within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidably		141	1,240	241	620	Petition to revive - unintentionally		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))		149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))		179	710	279	355	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify) _____					SUBTOTAL (1) (\$) _____		SUBTOTAL (3) (\$) 130.00	
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																					
105	130	205	65	Surcharge - late filing fee or oath	130																																																																																																																																																																																					
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																																																						
139	130	139	130	Non-English specification																																																																																																																																																																																						
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																																						
112	920	112	920	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																						
113	1,840	113	1,840	Requesting publication of SIR after Examiner action																																																																																																																																																																																						
115	110	215	55	Extension for response within first month																																																																																																																																																																																						
116	390	216	195	Extension for response within second month																																																																																																																																																																																						
117	890	217	445	Extension for response within third month																																																																																																																																																																																						
118	1,390	218	695	Extension for response within fourth month																																																																																																																																																																																						
128	1,890	228	945	Extension for response within fifth month																																																																																																																																																																																						
119	310	219	155	Notice of Appeal																																																																																																																																																																																						
120	310	220	155	Filing a brief in support of an appeal																																																																																																																																																																																						
121	270	221	135	Request for oral hearing																																																																																																																																																																																						
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																						
140	110	240	55	Petition to revive - unavoidably																																																																																																																																																																																						
141	1,240	241	620	Petition to revive - unintentionally																																																																																																																																																																																						
142	1,240	242	620	Utility issue fee (or reissue)																																																																																																																																																																																						
143	440	243	220	Design issue fee																																																																																																																																																																																						
144	600	244	300	Plant issue fee																																																																																																																																																																																						
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																						
123	50	123	50	Petitions related to provisional applications																																																																																																																																																																																						
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																																						
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																						
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																						
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																						
179	710	279	355	Request for Continued Examination (RCE)																																																																																																																																																																																						
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																						
Other fee (specify) _____																																																																																																																																																																																										
SUBTOTAL (1) (\$) _____		SUBTOTAL (3) (\$) 130.00																																																																																																																																																																																								
<p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>																																																																																																																																																																																										
<p>1. FILING FEE</p> <table border="1"><thead><tr><th>Large Fee Code</th><th>Entity Fee (\$)</th><th>Small Fee Code</th><th>Entity Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>101</td><td>710</td><td>201</td><td>355</td><td>Utility filing fee</td><td></td></tr><tr><td>106</td><td>320</td><td>206</td><td>160</td><td>Design filing fee</td><td></td></tr><tr><td>107</td><td>490</td><td>207</td><td>245</td><td>Plant filing fee</td><td></td></tr><tr><td>108</td><td>710</td><td>208</td><td>355</td><td>Reissue filing fee</td><td></td></tr><tr><td>114</td><td>150</td><td>214</td><td>75</td><td>Provisional filing fee</td><td></td></tr><tr><td colspan="4">SUBTOTAL (2) (\$) _____</td><td></td></tr></tbody></table>		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	101	710	201	355	Utility filing fee		106	320	206	160	Design filing fee		107	490	207	245	Plant filing fee		108	710	208	355	Reissue filing fee		114	150	214	75	Provisional filing fee		SUBTOTAL (2) (\$) _____																																																																																																																																																				
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																					
101	710	201	355	Utility filing fee																																																																																																																																																																																						
106	320	206	160	Design filing fee																																																																																																																																																																																						
107	490	207	245	Plant filing fee																																																																																																																																																																																						
108	710	208	355	Reissue filing fee																																																																																																																																																																																						
114	150	214	75	Provisional filing fee																																																																																																																																																																																						
SUBTOTAL (2) (\$) _____																																																																																																																																																																																										
<p>2. CLAIMS</p> <p>Total Claims: 25 - Extra = 3 X Fee from below = 3 X Fee Paid = 3</p> <p>Multiple Dependent Claims</p> <table border="1"><thead><tr><th>Large Fee Code</th><th>Entity Fee (\$)</th><th>Small Fee Code</th><th>Entity Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>103</td><td>18</td><td>203</td><td>9</td><td>Claims in excess of 20</td><td></td></tr><tr><td>102</td><td>80</td><td>202</td><td>40</td><td>Independent claims in excess of 3</td><td></td></tr><tr><td>104</td><td>270</td><td>204</td><td>135</td><td>Multiple Dependent claim</td><td></td></tr><tr><td>109</td><td>80</td><td>209</td><td>40</td><td>Reissue independent claims over original patent</td><td></td></tr><tr><td>110</td><td>18</td><td>210</td><td>9</td><td>Reissue claims in excess of 20 and over original patent</td><td></td></tr><tr><td colspan="4">SUBTOTAL (2) (\$) _____</td><td></td></tr></tbody></table>		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	103	18	203	9	Claims in excess of 20		102	80	202	40	Independent claims in excess of 3		104	270	204	135	Multiple Dependent claim		109	80	209	40	Reissue independent claims over original patent		110	18	210	9	Reissue claims in excess of 20 and over original patent		SUBTOTAL (2) (\$) _____																																																																																																																																																				
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																					
103	18	203	9	Claims in excess of 20																																																																																																																																																																																						
102	80	202	40	Independent claims in excess of 3																																																																																																																																																																																						
104	270	204	135	Multiple Dependent claim																																																																																																																																																																																						
109	80	209	40	Reissue independent claims over original patent																																																																																																																																																																																						
110	18	210	9	Reissue claims in excess of 20 and over original patent																																																																																																																																																																																						
SUBTOTAL (2) (\$) _____																																																																																																																																																																																										

SUBMITTED BY				Complete (if applicable)	
Typed or Printed Name	Thomas M. Coester, Reg. No. 39,637			Reg. Number	
Signature	<i>Thomas Coester</i>	Date	3/19/2001	Deposit Account User ID	02-2666

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.